



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Atty. Docket
DAVID W. CUCCIA PHA 23,280A
Serial No. 09/882,080 Group Art Unit: 2614
Filed: June 15, 2001 Examiner: Brian P. Yenke
Title: INSTANT REPLAY OF DIGITAL VIDEO OPTIMIZED USING NON
MPEG FRAME TAGS

Mail Stop Petitions
Assistant Commissioner for Patents
Alexandria, VA 22313-1450

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PETITION UNDER 37 C.F.R. § 1.181
TO WITHDRAW NOTICE OF ABANDONMENT

Sir:

Applicant respectfully requests the Assistant Commissioner for Patents to restore the subject application, indicated by the Patent and Trademark Office (PTO) to be abandoned, to pending status on the ground that Applicant never received an Office Action.

FACTS

1. Applicants' attorney has received a Notice of Abandonment indicating that the subject application is considered by the PTO to have been abandoned by Applicant's

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failure to respond to an Office Action mailed on December 3, 2002.

2. Applicant never had the opportunity to respond to the Office Action by the prescribed due date, as attested to by the accompanying Declarations of Russell Gross and Pam Conboy under 1156 O.G. 53.

RELIEF REQUESTED

The Assistant Commissioner is respectfully requested to restore the subject application to pending status and resend the Office Action mailed on December 3, 2002.

FEE

The Assistant Commissioner is hereby authorized to charge Deposit Account No. 14-1270 for any petition fee which may be due. However, since it is believed that the holding of abandonment is the result of circumstances not attributable to any fault of Applicants or their representatives, it is respectfully suggested that no fee is due.

Applicants' undersigned attorney may be reached by telephone at (914) 333-9631. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,



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CERTIFICATE OF MAILING

It is hereby certified that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to:

COMMISSIONER FOR PATENTS
Alexandria, VA 22313-1450

On Oct. 29, 2003

By Elissa De Luccy